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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/521,379

10/12/2005

Frank Hundscheidt

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27045 7590
ERICSSON INC.
6300 LEGACY DRIVE
M/S EVR 1-C-11
PLANO, TX 75024

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EXAMINER

DENNISON, JERRY B

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/521,379	Applicant(s) HUNDSCHIEDT ET AL.	
	Examiner J Bret Dennison	Art Unit 2443	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/9/09.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-10,13 and 14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-10,13 and 14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

RESPONSE TO AMENDMENT

1. This Action is in response to the Amendment for Application Number 10/521,379 received on 9/9/09.
2. Claims 1-2, 4-10, 13-14 are presented for examination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, 4-6, 10, 13-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Karpoff (US 7299290).

3. Regarding claim 1, Karpoff disclosed a method of controlling a floor controller, the floor controller being a network component belonging to a group of network components in a communications network, the group of network components configured to receive a data stream from a data source, the method comprising the steps of:

the floor controller selecting from the group of network components, a network component for controlling the data source (Karpoff, col. 17, lines 20-25, Karpoff

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disclosed authenticating the client, upon successful authentication, allowing the client to requests data streams);

receiving a control instruction from a selected network component of the group of network components, the control instruction relating to a control of the data source (Karpoff, col. 15, lines 42-45, col. 17, lines 55-57, Karpoff disclosed the client requesting via HTTP); and

in response to receipt of the control instruction from the one of the group of network components, the floor controller triggering translation transformation of the control instruction into an appropriate session control command and forwarding the session control command to the data source (Karpoff, col. 17, lines 25-45, Karpoff disclosed in response to client requests, the server provides control messages in different format to the data source in order to not violate security; col. 18, lines 44-47, Karpoff disclosed using an RPC request; col. 15, lines 60-67, Karpoff disclosed the back end communication between server and controller using SDR).

Claim 13 includes a floor controller with limitations that are substantially similar to claim 1, and is therefore rejected under the same rationale.

4. Regarding claim 2, Karpoff disclosed the limitations as described in claim 1, including wherein the step of receiving a control instruction includes controlling the data stream (Karpoff, col. 15, lines 60-67).

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5. Regarding claim 4, Karpoff disclosed the limitations as described in claim 1, including the step of the floor controller initiating a streaming, gaming or gambling session as part of the data stream (Karpoff, col. 15, lines 60-67).

6. Regarding claim 5, Karpoff disclosed the limitations as described in claim 1, including the floor controller conferring direct access to the data source and floor control, temporarily to one of the group of network components (Karpoff, col. 17, lines 20-25, col. 18, lines 32-40)

7. Regarding claim 6, Karpoff disclosed the limitations as described in claim 1, including the step of the floor controller passing control of the data source by instructing one of the network components to take over session control upon receipt of a request for session control from one of the network components (Karpoff, col. 17, lines 20-26, Karpoff disclosed upon client authentication, the server allowing the client to have control by requesting data streams).

8. Regarding claim 10, Karpoff disclosed the limitations as described in claim 1, including performing one of an authentication and authorization relating to one of the network components and control instructions (Karpoff, col. 17, lines 20-25).

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9. Regarding claim 14, Karpoff disclosed the limitations as described in claim 13, including wherein the floor controller is a mobile or stationary terminal and is configured as a proxy component or is co-located with the data source (Fig. 15, 112, 150).

Claims 1 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Dommel et al., "Floor Control for multimedia conferencing and collaboration", 1997.

10. Regarding claim 1, Dommel disclosed a method of controlling a floor controller, the floor controller being a network component belonging to a group of network components in a communications network, the group of network components configured to receive a data stream from a data source (p24, Section 2, "collaborative environment" and "floor control coordinates concurrent usage of shared resources and data among users in centralized or distributed environments"), the method comprising the steps of:

the floor controller selecting from the group of network components, a network component for controlling the data source (p25, last paragraph on left, for example, autonomous floor control; p25, right column, "assigning floor control");

receiving a control instruction from a selected network component of the group of network components, the control instruction relating to a control of the data source (p31, left column) and

in response to receipt of the control instruction from the one of the group of network components, the floor controller triggering translation transformation of the

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control instruction into an appropriate session control command and forwarding the session control command to the data source (p25, "floor control acts as a supplementary service, regulating the actual application-level modalities of information sharing"; p31).

Claim 13 includes a floor controller with limitations that are substantially similar to claim 1, and is therefore rejected under the same rationale.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dommel in view of Maggenti et al. (US 2002/0086665).

11. Regarding claims 7-9, Dommel disclosed the limitations as described in claim 1. Dommel did not explicitly state establishing a session control channel for receiving control instructions only between the floor controller and the selected network component of the group of network components, or establishing session control channels for receiving control instructions between the floor controller and two or more

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network components of the group of network components, or establishing a floor control channel between the floor controller and one of the network components.

In an analogous art, Maggenti disclosed using separate channels between client devices and floor controller for control instructions including floor control ([0052]-[0053]).

One of ordinary skill in the art would have been motivated to combine the teachings of Dommel and Maggenti since both relate to floor control functionality.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the channel usage as disclosed by Maggenti within the teachings of Dommel in order to simplify the task of interpreting message types.

Response to Amendment

Applicant's arguments and amendments filed on 9/9/2009 have been carefully considered but they are not deemed fully persuasive.

Applicant's arguments are deemed moot in view of the following new grounds of rejection.

It is the Examiner's position that Applicant has not yet submitted claims drawn to limitations, which define the operation and apparatus of Applicant's disclosed invention in manner, which distinguishes over the prior art.

Failure for Applicant to significantly narrow definition/scope of the claims and supply arguments commensurate in scope with the claims implies the Applicant intends broad interpretation be given to the claims. The Examiner has interpreted the claims

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with scope parallel to the Applicant in the response and reiterates the need for the Applicant to more clearly and distinctly define the claimed invention.

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Bret Dennison whose telephone number is (571) 272-3910. The examiner can normally be reached on M-F 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tonia Dollinger can be reached on (571) 272-4170. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/J Bret Dennison/
Primary Examiner, Art Unit 2443